

TOWN OF FRANKLIN
REQUEST FOR PROPOSALS
DISPOSAL OF REAL PROPERTY
FORMER NU-STYLE PROPERTY, 21 GROVE STREET

In accordance with the provisions of Massachusetts General Laws, Chapter 30B, §16 the Town of Franklin seeks written proposals to purchase and redevelop the so-called ***Nu-Style Property*** (Assessor's Map 276, Lot 22). The Town-owned former manufacturing property is located at 21 Grove Street, 0.2 mile south of West Central Street (Route 140) and approximately 0.3 mile from I-495's Exit 17.

The 35,923+/- square feet (0.825+/- acre) parcel has had a long industrial history (at least 90 years) including textiles and costume jewelry, and is the location of a dilapidated former manufacturing building and at least some contaminated soil and groundwater. The primary environmental concerns at the site are chlorinated volatile organic compounds in the bedrock aquifer and shallow overburden groundwater, and polycyclic aromatic hydrocarbon compounds in soil and sediment, as well as hazardous building materials including lead and asbestos.

A substantial amount of assessment activities have been conducted to characterize the nature and extent of releases and hazardous building materials at the site; however, the full extent of groundwater contamination is not known. The Developer will be required to demolish the site's building, and complete assessment and remedial response actions in order to prepare the site for redevelopment, including achieving compliance with the Massachusetts Contingency Plan (310 CMR 40.0000), Massachusetts Department of Environmental Protection requirements.

The Town hopes to hear from a variety of individuals and organizations who will present proposals for the redevelopment of the Business-zoned site. Multiple proposals (with alternative concept plans and building designs) from the same developer are welcome.

Copies of this Request for Proposals (RFP) may be obtained at the Procurement Office, Franklin Municipal Building, Room 206, 355 East Central Street, Franklin, Massachusetts, or by calling 508-520-4918 Monday, Tuesday, Thursday between 8:00AM - 4:00 PM, Wednesday between 8:00AM- 6:00 PM, and Friday between 8:00AM - 1:00 PM.

Proposals that meet the minimum requirements in Section II and basic submittal requirements outlined in Section III of this RFP will be rated as "responsive", and shall be further evaluated in accordance with the comparative evaluation criteria outlined in Section IX.

The Town reserves the right to reject in whole or in part any and all proposals. This RFP may be cancelled if the Town determines that cancellation serves the best interests of the Town of Franklin.

Minimum Bid Price. Due to the fact that the Town is seeking redevelopment of the Property that contains a building requiring demolition and soil and groundwater contamination, and based upon a recent real estate appraisal, a minimum bid price for the Property has been established as \$100.

Proposal Submission Deadline. Interested Developers are asked to submit an original (un-bound) and eight (8) copies of their Proposal to Franklin's Purchasing Agent, by the 11:00 a.m. Thursday November 16, 2017 submission deadline.

Site Visit. The Town will conduct an informal session and tour of the site at 10:30 a.m. Thursday, October 26, 2017. The Town requests interested parties meet at the site (21 Grove Street). Please note the site's building is not safe to enter and has been fenced off; access to the building's interior or the rear of the building will not be allowed during the site visit.

Additional Information: The Town of Franklin invites you to examine reference documents found on the Town's website:

<http://www.franklinma.gov/planning-community-development/pages/21-grove-street-rfp>

In addition, the majority of environmental assessment documents listed in Attachment D of this RFP are available for review at the Town of Franklin's Planning and Community Development Office during regular office hours.

All inquiries regarding to this RFP shall be directed to the Town's Purchasing Officer:

John Bugbee, Purchasing Officer
Franklin Purchasing Department
355 East Central Street, Room 206
Franklin, MA 02038
Phone: 508-553-4866
Fax: 508-541-5253
Email: jbugbee@franklinma.gov

I. PROPERTY DESCRIPTION AND SITE HISTORY

The Town of Franklin seeks written proposals to purchase and redevelop the so-called *Nu-Style Property* (Assessor's Map 276, Lot 22). The Town-owned 35,923+/- square feet (0.825+/- acre) parcel is a former manufacturing property located at 21 Grove Street, 0.2 mile south of West Central Street (Route 140) and approximately 0.3 mile from I-495's Exit 17. A location map is in Attachment A.

The site has had a long industrial history (at least 90 years) including textiles and costume jewelry, and is the location of a dilapidated former manufacturing building and at least some contaminated soil and groundwater. The building was historically occupied by Norfolk Woolen Mills, Unionville Woolen Mills, Franklin Paint Company, and most recently by Nu-Style Company and Image Jewelry. Materials used and stored at the site associated with jewelry manufacturing include cyanides, metals, chlorinated solvents, and petroleum products. Additional substances associated with textile manufacturing were also likely used. Use of oil and hazardous materials ceased at the property in 1989.

The primary environmental concerns at the site are chlorinated volatile organic compounds in the bedrock aquifer and shallow overburden groundwater, and polycyclic aromatic hydrocarbon compounds in soil and sediment, as well as hazardous building materials including lead and asbestos.

A substantial amount of assessment activities have been conducted to characterize the nature and extent of releases and hazardous building materials at the site; however, the full extent of groundwater contamination is not known. A summary of assessment and remediation activities is included in Attachment C, and a list of environmental documents related to the Nu-Style property is in Attachment D.

The site's existing building (Building II) is adjacent to Mine Brook on the west side of the property. Originally built in 1945 the building has had at least two additions, one of which joined Building II to an adjacent former Nu-Style building, which is currently privately owned. The former manufacturing facility is a 4,000+ sf one and one-half story building, which is dilapidated, unsafe, blight on the neighborhood, and presents a risk to public health and safety. In 2014 substantial portions of the building collapsed; at that time the site was fenced to limit exposure and enhance safety.

The Developer will be required to demolish Building II, and complete assessment and remedial response actions in order to prepare the site for redevelopment, including achieving compliance with the Massachusetts Contingency Plan (310 CMR 40.0000), Massachusetts Department of Environmental Protection requirements.

Various reference documents, including several environmental assessment documents listed in Attachment D, are available on the Town's web site. The environmental documents available on the web site are the most recent documents available. Hard copies of additional environmental assessment reports are available for review at the Town of Franklin's Planning and Community Development Office during regular office hours:

Department of Planning and Community Development
355 East Central Street
Franklin, MA 02038-1352
Phone: [508-520-4907](tel:508-520-4907)
Fax: [508-520-4906](tel:508-520-4906)
Email: btaberner@franklinma.gov

Attachment E of this document is a list of available resources. **Development Teams should examine all available information and materials. Failure to do so will be at Development Team's risk.**

Utilities. Municipal water and sewer, and electricity are available on site or directly adjacent on Grove Street.

Zoning. The subject parcel is located within Franklin's Business Zoning District; the intent of the B

zoning district, as described in Subsection C of Section 185-4 Districts Enumerated is as follows:

The Business District (B) is intended primarily for nonresidential uses such as office, retail, service, trade, restaurant, and other commercial uses with some limited industrial uses in a suburban commercial environment.

Dimensional restrictions (setbacks, height, impervious coverage) are provided in Attachment 9 of the Town's Zoning Bylaw. Attachments 2 through 8 of the Zoning Bylaw is a list of land uses allowed by right or through special permits. Proposals needing regulatory relief should demonstrate a high probability of permitting approval within a reasonable time frame. The speed and probability of securing approvals will influence the evaluation of the proposal. The Town of Franklin's Zoning Bylaw can be found on the Town's website at: <http://ecode360.com/10434967>.

Economic Development. The Property is within the North Grove Street Economic Opportunity Area and as such the Town can offer businesses looking to start up or expand in Franklin a Tax Increment Finance (TIF) agreement. To qualify for a TIF the Developer's proposal would need to include a project that meet specific requirements, including meeting mandatory requirements within 402 CMR 2.00, result in creation of new permanent jobs, and also either result in redevelopment of empty or underutilized industrially or commercial properties, or development of new facilities. Additional information concerning this incentive is available on the Town's website.

II. MINIMUM TOWN REQUIREMENTS FOR SITE DEVELOPMENT

Below is a short list of conditions that are required of all proposals. Any Firm desiring consideration that submits a proposal not meeting these "initial" minimum qualifications/requirements will be determined to be non-responsive and disqualified from any further review.

At a minimum, the following conditions will be required of all Proposals:

- Price: The minimum bid price for the property, as voted by Franklin Town Council, is \$100 with the stipulations contained in this RFP.
- Demolition of the former Nu-Style manufacturing facility (Building II) and removal and off-site disposal of building materials and components within one (1) year of conveyance of the property.
- Complete environmental assessment and remedial response actions, including achieving compliance with the Massachusetts Contingency Plan (310 CMR 40.0000), Massachusetts Department of Environmental Protection requirements, within two years of conveyance.
- Development of the site for uses currently allowed by-right or by special permit; please refer to the Town of Franklin's Zoning Bylaw.
- Nonprofit Use: Any nonprofit user will be expected to sign a "payment-in-lieu of taxes" (PILOT) agreement acceptable to the Town.
- Proposals will include all information requested in Section III of this RFP.

In addition to the minimal requirements listed above, Developers are asked to consider the following while developing proposals:

- Develop the Property in a way that will esthetically enhance the neighborhood.
- Stimulate economic development within the area, including creation of new temporary construction and permanent living wage positions.
- Proposals that include private/public partnerships, or subdivision of the Property are welcome.
- The Town is willing to consider multiple development options for the Property from a single developer.

III. SUBMISSION REQUIREMENTS

Each Proposal shall contain the information requested in this Section of the RFP. Development Teams should follow the prescribed format and use the included forms or reasonable facsimiles thereof. Proposals that do not include all of the information required below in this section, or proposals not meeting the minimum qualifications/requirements in Section II, shall be considered as non-responsive and may be dropped from further consideration.

Any information that is considered relevant by the Development Team that does not apply to the requirements listed below should be added as an appendix to the Proposal.

All Proposals shall be submitted in an envelope marked "21 Grove Street Property Redevelopment Proposal".

In order to be considered responsive, proposals must include the following:

- **Letter of Intent:** A one to two page letter, signed by the principals of the firm and outlining the reasons behind the firm's interest in this RFP. The letter shall contain the name and address of the developer, and the name, address, telephone number, and email of the contact person. The letter should indicate the respondents offer to purchase, the intended re-use of the property, and the bid offer. In addition, letters must acknowledge receipt of all RFP addendums (if issued).
- **Proposal Form:** Use of the Proposal Form in Section XIII of this RFP is suggested. Proposers must provide all information requested on the form, and provide such additional sheets as needed.
- **Offer to Purchase and Bid Deposit:** The proposal shall contain a written offer to purchase.
- **Required Forms and Statements.** The submitted Proposal should include *all* of the *required signed state forms* and statements including non-collusion, certificate of state tax compliance, if non-profit the required Disclosure of Beneficial Interest in Real Property, and a Corporate Vote (see Section XII).
- **Description of the Purchaser(s):** A description of the entity submitting the proposal, that includes: corporate name(s) and dba(s) if applicable; corporate address and telephone number; names and addresses of all investors/shareholders and officers of the corporation; names and titles of persons with the authority to contractually bind an offer to purchase with proof of authority by corporate vote or other.
- **Description of the Developer(s):** Please provide a description of the proposed Developer(s) if different from the proposed Purchaser above, including name of Developer's legal organization name(s), contact information of the Developer's principal(s), development team members (e.g., LSP, demolition contractor, architect, building contractor) if known, and a description of the development team's experience with similar projects.
- **Project Description:** Proposals must contain a detailed description of the proposed development project including but not limited to the following:
 - A full description of the proposed use of the "Site", including intensity of use. The site is zoned *Business*. The use and development of the site must conform to the requirements of the Town of Franklin Zoning Bylaw. The Proposal must demonstrate compliance with the Zoning Bylaw and include a listing of all special permits needed for the project.
 - Identification of any Planning Board, Zoning Board of Appeals, Board of Health, Conservation Commission or Town Council actions required for authorization of the proposed use.
 - The Proposer should submit preliminary *site development plans* showing the location of existing man-made and natural features, easements, buffers, and proposed improvements

including buildings and parking areas. Site Plans should be to scale and contain reasonably accurate depictions of existing and proposed conditions, however, submission of architectural drawings and engineered site plans are not necessary at this stage.

- In the case where buildout of the site is to be phased, or where two or more Developers are partnering to subdivide the property, a Phasing Plan or Master Plan shall be submitted depicting concepts for the future build out of the site.
- The Project Description shall contain a ***development timetable*** listing potential dates of the following:
 - Execution of Land Disposition Agreement⁽¹⁾ following Town Council action;
 - Financing in place;
 - Permitting required to demolish Building II, including but not limited to Conservation Commission order of conditions;
 - Demolition of Building II and proper disposal of hazardous building materials⁽²⁾;
 - Complete environmental assessment and remedial response actions in order to prepare the site for redevelopment, including achieving compliance with the Massachusetts Contingency Plan (310 CMR 40.0000), Massachusetts Department of Environmental Protection requirements⁽³⁾;
 - Permitting for redevelopment, including but not limited to Planning Board site plan approval and Conservation Commission order of conditions;
 - Start of construction;
 - End of construction;
 - Occupancy.

Notes:

1. The disposition of the property shall take place within a reasonable amount of time, as mutually agreed, following the Town Council's approval and acceptance of the winning proposal.
2. The Town of Franklin requires the demolition of Building II to occur within one (1) year of execution of the Land Disposition Agreement.
3. The Town of Franklin requires all required environmental assessment and remediation actions needed to achieve compliance with the Massachusetts Contingency Plan (310 CMR 40.0000) be complete within two (2) years of execution of the Land Disposition Agreement.

- **Financial Plan:** A financial plan demonstrating the availability of sufficient resources to purchase the property, secure the property, and complete the contemplated re-use of the property must be presented. The plan shall include commitments from potential funding sources, both public and private, and supporting documentation demonstrating that sufficient funding is available to undertake the project.

Proposers must demonstrate that they have the financial resources to support the proposed development; such information shall indicate both internal financing, as well as anticipated borrowing. For example, financing commitments in legally binding form shall rate higher than letters of interest; and firm financing commitments shall rate higher than financing commitments with conditions pertaining to additional debt/equity contributions or participation.

Please note that proposers must be willing to provide the evaluation committee with financial statements (preferably audited) and bank references, if requested during a final proposal evaluation.

- **Fiscal Impact Assessments:** Proposers must submit an evaluation of fiscal and economic impacts of the proposed development on the Town. Fiscal Impacts Statements shall include the following:

- Projections of costs to the Town arising from increased demands for public services and infrastructure;
- Projections of financial benefits to the Town from increased tax revenues, employment (construction and permanent), and value of public infrastructure to be provided;
- Projections of the positive or negative impacts of the proposed development on the values of abutting properties;
- Ten year projection of Town revenues and costs resulting from the proposed development.

IV. ADDITIONAL INFORMATION

- Any questions concerning the content or interpretation of this RFP must be submitted in writing to the office of the Purchasing Officer (508-553-4866 or jbugbee@franklin.ma.us) no later than three (3) business days prior to the submission deadline.
- Any response to such questions will be provided in writing to all parties that have been provided a copy of this RFP by mail. Acceptance for any and all addenda must be acknowledged in the proposal letter.
- The Town will not be bound by any oral interpretation(s) or representation(s) made by any Town official or employee with respect to the terms and conditions of this RFP procedure, or of the condition of the Property.

V. DISCLOSURES AND LIMITING CONDITIONS

- This RFP is subject to the process outlined within this document.
- This RFP is made subject to errors, omissions, or withdrawal without prior notice. In no way does this obligate the Town to select a developer.
- The Property is presented in “as-is condition”, with no representations or warranties by the Town.
- While all information furnished herein was gathered from sources deemed to be reliable, no representation or warranty is made as to the accuracy or completeness thereof. Prospective developers should undertake their own review and reach their own conclusions concerning zoning, physical conditions, environmental concerns, required approvals, use potential, and other development and ownership considerations.
- Proponents are asked to provide information regarding any legal or administrative actions past, pending, or threatened which could relate to the conduct of the proponent’s (or its principals or affiliates) business and/or their compliance with laws.
- Disclosure is required of any past or present affiliations of the proponent, proponent team members or proponent employees with the Town of Franklin. Please describe the nature and duration of the affiliation, including a disclosure of existing or past public contracts in Franklin, the contracting parties, scope of the contract, and period of performance.
- Nothing herein is intended to exclude any responsible Proposer, or in any way restrain competition. All responsible purchaser/developers are encouraged to submit proposals.
- The Town of Franklin encourages participation by Minority and Women Owned Business Enterprises (MWBE).

VI. QUALIFICATIONS

The recommendation for award of this property is based on a Qualification Based Selection (QBS) Process. All Firms must possess and provide evidence of “initial” minimum qualifications stated in Section II, and meet all submission requirements in Section III for the submitted proposal to be considered as “responsive”.

Non-responsive Proposals. Any Proposers/Developers desiring consideration that has not provided evidence of initial minimum qualifications stated in Section II, and meet all submission requirements in Section III will be determined to be **non-responsive** and disqualified from any further review.

VII. SUBMISSION OF PROPOSALS

Interested Proposers/Developers must submit the following in a sealed envelope clearly marked “Pond Street Proposal” with the name and address of the Proposer on the outside of the envelope to the Town of Franklin’s Purchasing Officer by the Submittal Deadline:

- One (1) original (un-bound) and ten (10) copies of Proposal, including Cover Letter, all required forms, and all information requested in Sections II and III.

John Bugbee, Purchasing Officer
Franklin Purchasing Department
Town of Franklin, Municipal Building
355 East Central Street, Room 206
Franklin, MA 02038
Phone: 508-553-4866
Fax: 508-541-5253
Email: jbugbee@franklin.ma.us

Proposal Deadline: Deadline for submission of Proposals is 11:00 a.m. Thursday November 16, 2017. Proposals will be publicly opened at that time, with the name of each proposer and the price recorded.

Proposals become public information when they are opened. Proposals received after the deadline will be rejected and returned to the proposer unopened.

Proposals submitted prior to the deadline may be corrected, modified or withdrawn by written notice received in the office of the Purchasing Officer prior to the submission deadline stated above. The Town may waive any informality in a proposal submission or allow the proposer to correct them.

Persons submitting a proposal by mail or other delivery service shall bear full responsibility for delivery to the designated office prior to the submission deadline.

All materials submitted by Purchaser/Developer become the property of the Town. The Town is under no obligation to return any of the material submitted by a Purchaser/Developer in response to this RFP.

The Town reserves the right to accept or reject any or all of the proposals submitted and waive informalities and technicalities.

VIII. PROPOSAL TIME FRAME

Each Purchaser/Developer’s proposal must remain in effect for at least 120 days from the Deadline for its submission. The Town will decide upon acceptance within 120 days of submission.

IX. CRITERIA FOR EVALUATION

All proposals will be reviewed by a Proposal Evaluation Committee comprised of the Town Administrator, Town Planner, and Director of Planning and Community Development. To be considered responsive, Proposals must meet the minimum submittal requirements set out in Sections II and III of this RFP.

Each Proposal that meets the minimum submittal requirements will be further evaluated and rated according to the Evaluation Criteria in order to determine the proposal which indicates the most appropriate use of the site, and which is deemed to be in the best interests of the Town of Franklin.

Within each category, the degree to which the proposal satisfies the stated objective shall be reviewed and rated on a system of “Highly Advantageous”, “Advantageous”, and “Not Advantageous”:

PROPERTY REUSE

Highly Advantageous - A proposal that demonstrates the most viable reuse of the property for uses currently allowed by-right or by special permit, and demonstrates substantial annual tax revenue for the Town of Franklin.

Advantageous - A proposal that demonstrates a viable reuse of the property for uses currently allowed by-right or by special permit, and demonstrates a reasonable annual tax revenue yield for the Town of Franklin.

Not Advantageous – A proposal that minimizes the reuse of the property, or a proposal for uses not currently allowed by-right or by special permit, or a proposal that does not demonstrate a reasonable annual tax revenue yield for the Town of Franklin.

REDEVELOPMENT PLAN

Highly Advantageous - A proposal that has a redevelopment plan that demonstrates a well-planned use of the property, and a development team that shows a strong commitment to the following:

- Commence the redevelopment project within thirty (30) days of conveyance of title.
- Demolition of the former Nu-Style manufacturing facility (Building II) and removal and off-site disposal of building materials and components within six (6) months of conveyance of the property.
- Complete environmental assessment and remedial response actions, including achieving compliance with the MCP (310 CMR 40.0000), MassDEP requirements, within eighteen (18) months of conveyance.
- Complete redevelopment of the property within three (3) years of conveyance.

Advantageous - A proposal that has a redevelopment plan that demonstrates a well-planned use of the property, and a development team that shows a strong commitment to the following:

- Commence the redevelopment project within ninety (90) days of conveyance of title.
- Demolition of the former Nu-Style manufacturing facility (Building II) and removal and off-site disposal of building materials and components within one (1) year of conveyance of the property.
- Complete environmental assessment and remedial response actions, including achieving compliance with the MCP (310 CMR 40.0000), MassDEP requirements, within two (2) years of conveyance.
- Complete redevelopment of the property within five (5) years of conveyance.

Not Advantageous - A proposal that does not demonstrate a well-planned use of the property, or a

development team that does not show a strong commitment to the following:

- Commence the redevelopment project within ninety (90) days of conveyance of title.
- Demolition of the former Nu-Style manufacturing facility (Building II) and removal and off-site disposal of building materials and components within one (1) year of conveyance of the property.
- Complete environmental assessment and remedial response actions, including achieving compliance with the MCP (310 CMR 40.0000), MassDEP requirements, within two (2) years of conveyance.
- Complete redevelopment of the property within five (5) years of conveyance.

ECONOMIC DEVELOPMENT ISSUES

Highly Advantageous - A proposal that will stimulate maximum economic development opportunities within the area, and will esthetically enhance the neighborhood.

Advantageous - A proposal that will stimulate further development opportunities, or will esthetically enhance the neighborhood.

Not Advantageous - A proposal that will not stimulate further development opportunities, or will not esthetically enhance the neighborhood.

EMPLOYMENT OPPORTUNITIES

Highly Advantageous - A proposal that maximizes new full time employment opportunities with advancement, livable wages, and benefits for residents of the Town of Franklin, and any other employment related functions such as training opportunities.

Advantageous - A proposal that will offer at least some new employment opportunities with livable wages and benefits.

Not Advantageous - A proposal that does not offer new employment opportunities.

All finalist on the shortlist will be required to provide evidence of financial ability and will be subject to one additional evaluation as follows:

EVIDENCE OF FINANCIAL ABILITY

Highly Advantageous - A proposal that demonstrates firm financial commitments and the financial capability to initiate and complete the redevelopment within a definitive timeframe that is in the best interests of the Town of Franklin.

Advantageous - A proposal that has letters of financial interest and the capability to initiate and complete the redevelopment within a definitive timeframe that is in the best interests of the Town of Franklin.

Not Advantageous - A proposal that does not include letters of financial interest or does not adequately address a timetable for the redevelopment of the property.

X. RULE FOR AWARD

The Proposal Evaluation Committee will evaluate and rate all responsive proposals, and shall submit to the Town Administrator a written statement of the advantages and disadvantages of each Proposal and a recommendation as to the most advantageous proposal(s). The Committee reserves the right to interview prospective Proposal proponents and the results of the interviews will be considered in the full evaluation

process. The Town Administrator shall make recommendation to the Town Council as to the successful proposer, taking into consideration the Committee's recommendation, and their independent judgment as to which proposal is in the best interests of the Town.

Award of the Disposition shall be subject to the approval of the Franklin Town Council. The Town Council will vote to award taking into consideration the best interest of the Town.

In no way is the Town obligated to select a developer. The Town reserves the right to reject in whole or in part any and all proposals. This Request for Proposals may be cancelled if the Town determines that cancellation serves the best interests of the Town of Franklin.

XI. TERMS OF AGREEMENT

- A Land Disposition Agreement will be reviewed by the Town Attorney for compliance with the terms of the RFP, and may incorporate the terms of this RFP and of the proposal selected. A draft Land Disposition Agreement is provided in Attachment A.
- The successful Proposer will be expected to execute a Land Disposition Agreement within thirty (30) days of the delivery of the Agreement. Failure to execute the Land Disposition Agreement within thirty (30) days will result in forfeiture of the security, otherwise, the deposit will be returned.
- Bid deposits of unsuccessful proposers will be returned upon the execution of the Land Disposition Agreement.
- The Purchaser/Developer shall not assign, transfer, sublet, convey or otherwise dispose of any agreement or contract which results from this RFP, or its right, title or interest therein or its power to execute the same to any other person, firm, partnership, company or corporation without the previous consent in writing of the Town. Should the Purchaser/Developer attempt any of the above without written consent of the Town, the Town reserves the right to declare the Purchaser in default and terminate the agreement or contract for cause.
- Developer expressly acknowledges that he is aware of historical presence of hazardous waste and/or contaminated soil or other material on property and understands that, if Town accepts Developer's proposal, Town will require Developer to agree to a provision in the Land Disposition/Development Agreement, substantially as follows:

Developer releases the Town of Franklin from any and all claims which he now has, or may in the future have, for damage or expense in any way arising from or related to the presence of hazardous waste and/or contaminated soil or other material and/or all costs to remove or remediate same and Developer expressly waives in advance any and all rights to sue which Developer now has or may, in the future, have against Town to recover for any loss, damage or expense of any type in any way arising from or related to the presence of hazardous waste and/or contaminated soil or other material and/or all costs to remove or remediate same. Developer agrees to defend, indemnify, and hold harmless Town from and against any and all loss, damage or expense, including court costs and attorney's fees which Town incurs as the result of action against Town by Developer, any representative, heir, transferee, assignee or subrogee of Developer in any way arising from or related to the presence of hazardous waste and/or contaminated soil or other material and/or all costs to remove or remediate same.
- Prospective Purchaser/Developers must be current in taxes and all water and sewer liabilities on any and all real estate owned in the Town of Franklin.
- The sale of the property is subject to any easements existing and required for street, sewer and water or any other public purposes within the Property or in the streets abutting the Property.

- The Purchaser/Developer is to be responsible for providing for, and paying for, all title work and is responsible for paying for a survey of the parcel of land, with that survey being subject to the approval of the Town of Franklin.
- The Developer will have complete responsibility for all expenses related to the operations and maintenance of any future buildings including taxes, as required by law (real estate and personal property); any nonprofit user will be required to sign a “payment-in-lieu of taxes” (PILOT) agreement acceptable to the Town.
- All building and expansion schedules will be subject to the prior approval of the Town, including any and all building and or construction permits.
- The Developer will be responsible for all utilities, including water, sewer and storm drainage, solid waste disposal, snow and ice removal, and all repairs required to maintain any building or other facilities constructed at the Property in compliance with all applicable provisions of law, regulations, and building codes.

XII. STATEMENTS REQUIRED WITH SUBMISSION

All proposals shall include the following statements:

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word “person” shall mean any natural person, business, partnership, corporation, union, committee club, or other organization, entity, or group or individuals.

Signature of person submitting the proposal

Name of Business or Development

CERTIFICATE OF COMPLIANCE WITH STATE TAX LAWS

Pursuant to M.G.L. Chapter 62C, Sec. 49A, and M.G.L. Ch. 151A, Section 19A, I certify under the penalty of perjury that _____ has complied with all laws of the Commonwealth of Massachusetts relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

*Signature of Individual
Or Corporate Officer

**Social Security Number/
Federal Identification Number

Corporate Name: _____
(if applicable)

Name and Title: _____

Of Corporate Officer
(if applicable)

*Approval of a contract or other agreement will not be granted unless this certification clause is signed by the applicant. For all corporations, a certified copy of the vote of the Board of Directors must be provided.

**Your social security number will be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed or extended. This request is made under the authority of Massachusetts General Laws, Chapter 62C, section 49A.

CERTIFICATE OF CORPORATE VOTE (if applicable)

If a corporation, complete below or attach to each signed copy of a contract a notarized copy of vote of corporation authorizing the signatory to sign this contract. If attesting clerk is same as individual executing contract, have signature notarized below.

At a duly authorized meeting of the Board of Directors of the

_____ held on _____
(Name of Corporation) (Date)

At which all the Directors were present or waived notice, it was VOTED That,

_____ (Name) _____ (Officer)

of this company be and hereby is authorized to execute contracts and bonds in the name and behalf of said company, and affix its corporate seal thereto, and such execution of any contract or obligation in this company's name on its behalf by such _____

(Officer)

of the company, shall be valid and binding upon this company.

I hereby certify that I am the Clerk of the _____

that _____ is the duly elected

_____ of said company, and that the above vote has not been amended or rescinded

(Officer)

in full force and effect as of the date of this contract.

A true copy,

ATTEST _____

Clerk

Place of Business _____

Corporate

_____ Seal

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____

DAY OF _____, 20____.

NOTARY PUBLIC

DISCLOSURE OF BENEFICAL INTEREST IN REAL PROPERTY

This form contains a disclosure of the names and addresses of all persons with a direct or indirect beneficial interest in the real estate transaction described below. This form must be filed with the Massachusetts Division of Capital Asset Management (DCAM), formerly the Division of Capital Planning and Operations, as required by M.G.L. c. 7 section 40J, prior to the conveyance for the real property described below. Attach additional sheets if necessary.

1. Public Agency involved in this transaction: _____
(Name of jurisdiction)
2. Complete legal description of the property:
3. Type of Transaction ____ Sale ____ Lease or rental for ____
(Term)
4. Seller(s) or Lessee(s): _____
Purchaser(s) or Lessee(s): _____
5. Names and addresses of all persons who have or will have a direct or indirect beneficial interest in the real property described above. Note: If a corporation has, or will have a direct or indirect beneficial interest in the real property, the names of all stockholders must also be listed except that, if the stock of the corporation is listed for sale to the general public, the name of any person holding less than ten percent of the outstanding voting shares need not be disclosed.

Name

Address

_____	_____
_____	_____
_____	_____

None of the persons listed in this section is an official elected to public office in the Commonwealth of Massachusetts except as listed below:

Name

Address

_____	_____
_____	_____
_____	_____

6. This section must be signed by the individual(s) or organization(s) entering into this real property transaction with the public agency names in item 1. If this form is signed on behalf of a corporation, it must be signed by a duly authorized officer of that corporation.

The undersigned acknowledges that any changes or additions to item 4 of this form during the term of any lease or rental will require filing a New Disclosure with the Division of Capital Asset Management within Thirty (30) days following the change or addition.

The undersigned swears under pains and penalties of (perjury) that this Form is completed and accurate in all respects.

Signature: _____

Printed Name: _____

Title: _____

Date: _____

XIII. PROPOSAL FORM

**TOWN OF FRANKLIN
DISPOSITION OF REAL PROPERTY
FORMER NU-STYLE PROPERTY, 21 GROVE STREET**

Date: _____

Name and address of Individual, Corporation or other Entity submitting this proposal:

The following information shall be provided on this form or on such additional sheets as shall be required.

1. The Individual, Corporation or other entity submitting this proposal operates on a for-profit ____, not-for-profit ____ basis. Evidence of not-for-profit status is attached to this proposal form. ____ Yes
____ No
2. Provide a brief history of the entity submitting this proposal, including length of time in existence, name and address of officers or trustees, current location, description of current operations, including number of employees etc. Attach additional sheets as needed.
3. The Prospective Developer agrees to execute a Land Disposition Agreement in substantially the form included in the Request for Proposals within thirty (30) days of delivery of such Agreement by the Town. ____ Yes ____ No
4. Proposed price to purchase the 21 Grove Street Site _____

By: _____
Signature and Title

By: _____
Name of Business (if applicable)

XIV. ATTACHMENTS

Attachment A:	Location Map
Attachment B:	ANR Plan - 2015, Showing Lot 1 (Map 276, Parcel 22), 21 Grove Street
Attachment C:	Summary of Previous Assessment & Remediation Activities
Attachment D:	List of Environmental Documents
Attachment E:	Resources Available
Attachment F:	Draft Land Disposition Agreement